

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph Erickson,

Civ. No. 07-2067 (PAM/JSM)

Plaintiff,

v.

ORDER

Allianz Life Insurance Company
of North America,

Defendant.

This matter is before the Court on Plaintiff Joseph Erickson's Motion for Emergency Relief. Erickson filed a Complaint in this Court on April 26, 2007, alleging that Defendant had taken adverse employment actions against him in violation of the Minnesota Human Rights Act, Minn. Stat. § 363A.02 et seq., and Title VII of the Civil Rights Act, 42 U.S.C. § 2000 et seq. On June 26, 2007, Defendant filed a Motion to Dismiss for Failure to State a Claim. This Court granted the Motion to Dismiss and entered Final Judgment on September 17, 2007.

Erickson now asks this Court for emergency relief even though final judgment has been entered and the case was closed over two years ago. But Erickson currently has an appeal pending before the Eighth Circuit Court of Appeals. When a party files a notice of appeal, the district court is divested of jurisdiction over the matters on appeal. Griggs v. Provident Consumer Discount Co., 456 U.S. 56, 58 (1982). Thus, this Court is without jurisdiction to consider Erickson's motion.

Accordingly, **IT IS HEREBY ORDERED** that Erickson's Motion for Emergency Relief is dismissed.

Date: Monday, October 5, 2009

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Judge